

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) RAY STANART,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
(1) HEARST TELEVISION, INC.,)	
d/b/a KOCO-TV CHANNEL 5 NEWS,)	
)	
Defendant.)	

COMPLAINT

COMES NOW the Plaintiff, Ray Stanart, ("Stanart"), an individual, and for his Complaint against the Defendant, Hearst Television, Inc., d/b/a KOCO-TV Channel 5 News, ("KOCO"), alleges and states as follows:

PARTIES, VENUE, AND JURISDICTION

1. Ray Stanart is a resident of Wichita, Kansas, who works as an auctioneer in the State of Oklahoma.
2. Upon information and belief, Hearst Television, Inc., is a New York based corporation. Heart Television, Inc. operates KOCO-TV, a television station in Oklahoma City which produces Channel 5 News.
3. Plaintiff's claims are for defamation, intentional or negligent infliction of emotional distress, and false light.
4. Plaintiff's claims for damages are in excess of \$75,000 on each claim.
5. The publication of defamatory material and portrayal of Plaintiff in a false light occurred, in part, in the Western District of Oklahoma.

6. This Court has diversity jurisdiction over the parties and Plaintiff's claims, pursuant to 28 U.S.C. §1332.

7. The Western District of Oklahoma is the appropriate venue for this suit.

FACTS GIVING RISE TO SUIT

8. On or about April 6 and 7, 2010, KOCO ran news broadcasts concerning a burglary occurring at CiCi's Pizza, in Midwest City, Oklahoma County, Oklahoma.

9. On or about April 6 and 7, 2010, KOCO broadcast that a trio of persons had broken into vending machines at CiCi's Pizza in Midwest City, Oklahoma County, Oklahoma.

10. On or about April 6 and 7, 2010, KOCO broadcast a video tape of the burglary as it was occurring.

11. The above-referenced broadcast showed a male person breaking into a vending machine at a CiCi's Pizza.

12. On or about April 7, 2010, KOCO stated in its broadcast the male person shown breaking into the vending machines in the video had been identified and arrested.

13. On or about April 7, 2010, KOCO stated in a broadcast said male suspect (shown in the video breaking into the vending machines) had been found in jail due to being arrested on crimes unrelated to the CiCi's Pizza vending machine burglaries.

14. On or about April 7, 2010, KOCO broadcast a booking "mug shot" of said male person identified (as set forth in Paragraphs 11, 12 and 13), and identified the mug shot with the name of "Ray Stanart," Plaintiff.

15. Stanart was not the person arrested for the CiCi's Pizza vending machine burglary, and more importantly, was not the person in the mug shot broadcast by KOCO.

COUNT I
DEFAMATION

16. Stanart, for his First Cause of Action against Defendant, adopts all previous plead facts and makes the same apart hereof by this reference.

17. KOCO made a defamatory statement by falsely identifying Stanart as a person arrested for the burglaries of the vending machines at a CiCi's Pizza in Oklahoma County, Oklahoma.

18. KOCO made a defamatory statement by falsely identifying Stanart as a person arrested for crimes unrelated to the burglaries of the vending machines at a CiCi's Pizza in Midwest City, Oklahoma County, Oklahoma

19. The broadcast was published to the viewing public.

20. The broadcast was not privileged.

21. KOCO was, at a minimum, negligent in fault for identifying Stanart as the person identified in the mug shot.

22. The broadcast was slanderous and, therefore, actionable per se.

23. Petitioner suffered injury to his reputation, compensable in excess of \$75,000, the exact amount to be determined at the time of trial.

COUNT II
INTENTIONAL/NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

24. Stanart, for his Second Cause of Action against Defendant, adopts all previous plead facts and makes the same apart hereof by this reference.

25. KOCO's defamatory conduct, as described above, caused Stanart to suffer emotional distress.

26. KOCO's defamatory conduct, as described above, was intentional, or in the alternative, negligent.

27. Stanart has suffered emotional distress, compensable in excess of \$75,000, an exact amount to be determined at the time of trial.

COUNT III
PORTRAYAL OF STANART IN A FALSE LIGHT

28. Stanart, for his Third Cause of Action against Defendant, adopts all previous plead facts and makes the same apart hereof by this reference.

29. KOCO portrayed Stanart in a false light when it identified Stanart as a person who had been arrested for the burglary of vending machines at a CiCi's Pizza in Oklahoma County, Oklahoma.

30. KOCO portrayed Stanart in a false light when it identified Stanart as a person who had been arrested for crimes unrelated to the CiCi's pizza burglary.

31. The broadcast was published to the viewing public.

32. The broadcast was not privileged.

33. KOCO was, in the very least, negligent in fault for identifying Stanart as the person who had been arrested in the mug shot.

34. Stanart suffered severe emotional distress as a result of KOCO's portrayal of him in a false light, with compensable damages in excess of \$75,000, the exact amount to be determined at the time of trial.

COUNT IV
PUNITIVE DAMAGES

35. Stanart, for his Fourth Cause of Action against Defendant, adopts all previous plead facts and makes the same apart hereof by this reference.

36. The actions by KOCO as described above were willful, wanton and/or performed with reckless disregard.

37. KOCO's actions warrant the sanction of punitive damages in excess of \$75,000.

PRAYER

WHEREFORE, premises considered, Plaintiff Ray Stanart prays for judgment against Defendant Hearst Television, Inc., d/b/a KOCO-TV Channel 5 News, for the claims of defamation, intentional/negligent infliction of emotional distress, portrayal of Petitioner in a false light, punitive damages, all in excess of \$75,000.00, in addition to attorney's fees, costs, and interest, and all other relief this Court deems just and appropriate.

Respectfully submitted,

s/Joe Brett Reynolds

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